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09/401,400	09/22/1999	KENJI MORITA	1232-4570	4622

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EXAMINER

WHIPKEY, JASON T

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/401,400	<b>Applicant(s)</b> MORITA ET AL.	
	<b>Examiner</b> Jason T. Whipkey	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 20-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-22, 24-33, 35-38 and 40-43 is/are rejected.
- 7) ☒ Claim(s) 23, 34 and 39 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on July 1, 2004, has been entered.

2. The indicated allowability of claims 20-22 and 24-29 is withdrawn in view of the newly discovered reference to Murata. Rejections based on the newly cited reference follow.

### ***Drawings***

3. A corrected drawing was received on July 1, 2004. The drawing is approved and the corresponding objection is withdrawn.

### ***Claim Objections***

4. Claims 32 and 37 are objected to as failing to comply with 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 32 recites the limitation “the control command” on line 2. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the claim will be treated as if it reads, “a control command”.

Claim 37 recites the limitation “the control command” on line 2. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the claim will be treated as if it reads, “a control command”.

5. Claims 30, 32, 33, 35-40, 42, and 43 are objected to because of various informalities.

Suggested changes are as follows:

In claim 30 on line 6, replace “ranges:” with -- ranges; -- .

In claim 30 on line 8, replace “Identification” with -- identification -- .

In claim 32 on line 2, replace “sensing, apparatus” with -- sensing apparatus -- .

In claim 33 on lines 1-2, replace “comprising changing device” with -- comprising a changing device -- .

In claim 35 on line 1, replace “imago” with -- image -- .

In claim 36 on line 1, replace “le claim” with -- to claim -- .

In claim 36 on line 2, replace “Image” with -- image -- .

In claim 37 on line 1, replace “Image” with -- image -- .

In claim 37 on line 3, replace “reset” with -- resets -- .

In claim 38 on lines 1-2, replace “comprising changing device” with -- comprising a changing device -- .

In claim 38 on line 2, replace “Information” with -- information -- .

In claim 39 on line 1, replace “Image” with -- image -- .

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In claim 40 on line 1, replace "senior" with -- server -- .

In claim 40 on line 6, replace "Identification" with -- identification -- .

In claim 42 on line 6, replace "which .sensing" with -- which sensing -- .

In claim 43 on line 1, replace "In" with -- in -- .

In claim 43 on lines 2-3, replace "Image Information obtained by Image sensing" with -- image information obtained by an image sensing -- .

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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8. Claims 20-22, 24-33, 35-38, and 40-43 are rejected under 35 U.S.C. 103(a) as being obvious over Murata (U.S. Patent No. 6,768,563) in view of Oyashiki (U.S. Patent No. 5,808,670).

The applied Murata reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Regarding **claim 20**, Murata discloses:

An image pick-up server (video communication controller 20 in Figure 30; see column 22, lines 22-24), which has image sensing means (video camera 10), for performing a distribution service which distributes video information (see

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column 22, lines 47-51) obtained by said image sensing means to a client (see *id.*) via a network (column 21, lines 58-60), comprising:

a range in which shooting direction of said image sensing means can be changed (operation window 370 in Figure 38; see column 23, lines 49-59), and storing information (frame memory 320 in Figure 30) relating to the plurality of shootable areas set and information which specifies a plurality of virtual image sensing means for respective ones of the shootable areas (extraction areas 358, 360, 362, and 364 in Figure 35; see column 23, lines 6-8 and 38-40); and

control means (CPU 22; see column 22, lines 1-11) for reading out, from said storage means, information corresponding to virtual image sensing means selectively designated by the client (column 22, lines 12-18), setting a range in which it is possible to change the shooting direction of said image sensing means based upon the information relating to the shootable area indicated by the information that has been read out (operation window 370 in Figure 38; see column 23, lines 49-59), and controlling said image sensing means within the range in which it is possible to change the shooting direction (using mouse 28; see column 21, lines 49-51).

Murata is silent with regard to storing a plurality of shootable ranges.

Oyashiki discloses a camera control system that includes:

storage means (inherent) for storing a plurality of shootable ranges (see acceptable monitoring areas 2b and 2d in Figure 5, for example).

As stated in column 8, lines 3-4, an advantage to storing a plurality of control ranges and allowing a camera to operate only within those ranges is that privacy of those captured on

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camera may be protected. For this reason, it would have been obvious at the time of invention to have Murata's camera system store acceptable control ranges and restrict the views to those ranges.

Regarding **claim 21**, Murata discloses:

storage means stores, with respect to said plurality of shootable areas, identification numbers of respective ones of said virtual image sensing means (see the "virtual camera no." column in Figure 36).

Murata is silent with regard to storing ranges of pan and tilt angles of the image sensing means. Oyashiki discloses:

storage means (inherent) storing information indicating ranges of pan and tilt angles of said image sensing means (the camera is prohibited from being aimed at the pre-designated areas shown in figures 3-5; see column 6, lines 26-32).

As stated in column 8, lines 3-4, an advantage to storing a plurality of control ranges and allowing a camera to operate only within those ranges is that privacy of those captured on camera may be protected. For this reason, it would have been obvious at the time of invention to have Murata's camera system store acceptable control ranges.

Regarding **claim 22**, Oyashiki discloses:

said storage means (inherent) stores information indicating ranges over which zoom magnification can be changed with respect to said plurality of shootable areas (see Figure 7 and column 4, lines 19-22).

Regarding **claim 24**, Oyashiki discloses:



information relating to the shootable areas is stored (it is inherent that the allowed and restricted ranges shown in figure 5 are stored in some form) in the server (controller 3, which accepts remote network commands via controller 3; see column 5, lines 16-27).

Regarding **claim 25**, Murata discloses:

A client (see column 22, lines 34-35) connected to the image pick-up server set forth in claim 20, comprising:

selection notification means (see column 22, lines 35-37, and column 23, lines 41-46) for selecting one of said virtual image sensing means that have been stored in said storage means and notifying said image pick-up server of the information specifying the selected virtual image sensing means;

display means (column 23, lines 35-40) for displaying an image distributed by said image pick-up server; and

shooting-direction change designation means (column 23, lines 41-46) for changing the shooting direction of the virtual image sensing means selected by said selection notification means and instructing said server of result of the change.

Regarding **claim 26**, Murata discloses:

the information relating to the shootable areas is downloaded from said image pick-up server (see column 23, lines 35-38).

**Claim 27** may be treated like claims 20 and 25.

**Claim 28** may be treated like claims 20 and 25.

**Claim 29** may be treated like claim 20.

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Regarding **claim 30**, Murata discloses:

An image pick-up server (video communication controller 20 in Figure 30; see column 22, lines 22-24) for distributing image information (see column 22, lines 47-51) obtained by an image sensing apparatus (video camera 10) to a client (see *id.*) via a network (column 21, lines 58-60), comprising:

a range in which sensing direction of the image sensing apparatus can be changed (operation window 370 in Figure 38; see column 23, lines 49-59), a storage device (frame memory 320 in Figure 30) storing identification information which specifies a plurality of virtual cameras (extraction areas 358, 360, 362, and 364 in Figure 35; see column 23, lines 6-8 and 38-40); and

control device (mouse 28; see column 21, lines 49-51) for controlling said image sensing apparatus within a control range corresponding to the identification information of the virtual camera selected by the client (column 23, lines 35-38).

Murata is silent with regard to storing a plurality of control ranges and controlling the image sensing apparatus within the ranges.

Oyashiki discloses a camera control system that includes:

a storage device (inherent) for storing a plurality of control ranges (see acceptable monitoring areas 2b and 2d in Figure 5, for example).

Additionally, Oyashiki teaches that the camera may be controlled to operate only within the acceptable areas (see column 6, lines 22-32).

As stated in column 8, lines 3-4, an advantage to storing a plurality of control ranges and allowing a camera to operate only within those ranges is that privacy of those captured on camera may be protected. For this reason, it would have been obvious at the time of invention to

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have Murata's camera system store acceptable control ranges and restrict the views to those ranges.

Regarding **claim 31**, Murata shows in figures 4 and 5, for example, that the range of motion of the camera at point A is restricted in its angle (i.e., pan or tilt).

Regarding **claim 32**, Oyashiki teaches that, as shown in Figure 2, controller 3 receives instructions from point input unit 4 (see column 5, lines 16-27). Controller 3 also determines whether the requested point is within the prohibition area and corrects the point if necessary (see column 6, lines 26-32).

Regarding **claim 33**, Murata discloses:

a changing device (CPU 22) for changing the virtual camera in accordance with the selection information received from the client (CPU 22 changes the pan, tilt, and zoom based on received commands; see column 22, lines 1-11).

Regarding **claim 35**, Murata discloses:

An image pick-up server (video communication controller 20 in Figure 30; see column 22, lines 22-24) for distributing image information (see column 22, lines 47-51) obtained by an image sensing apparatus (video camera 10) to a client (see *id.*) via a network (column 21, lines 58-60), comprising:

a range in which sensing direction of the image sensing apparatus can be changed (operation window 370 in Figure 38; see column 23, lines 49-59), and storing identification information (in frame memory 320 in Figure 30) which specifies a plurality of virtual cameras (extraction areas 358, 360, 362, and 364 in Figure 35; see column 23, lines 6-8 and 38-40); and

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distributing device (network I/F 36) for distributing the image information within the control range corresponding to the identification information of the virtual camera selected by the client (column 23, lines 35-38).

Murata is silent with regard to storing a plurality of control ranges.

Oyashiki discloses a camera control system that includes:

a storage device (inherent) for storing a plurality of control ranges (see acceptable monitoring areas 2b and 2d in Figure 5, for example).

As stated in column 8, lines 3-4, an advantage to storing a plurality of control ranges and allowing a camera to operate only within those ranges is that privacy of those captured on camera may be protected. For this reason, it would have been obvious at the time of invention to have Murata's camera system store acceptable control ranges and restrict the views to those ranges.

Regarding **claim 36**, Murata shows in figures 4 and 5, for example, that the range of motion of the camera at point A is restricted in its angle (i.e., pan or tilt).

Regarding **claim 37**, Oyashiki teaches that, as shown in Figure 2, controller 3 receives instructions from point input unit 4 (see column 5, lines 16-27). Controller 3 also determines whether the requested point is within the prohibition area and corrects the point if necessary (see column 6, lines 26-32).

Regarding **claim 38**, Murata discloses:

a changing device (CPU 22) for changing the virtual camera in accordance with the selection information received from the client (CPU 22 changes the pan, tilt, and zoom based on received commands; see column 22, lines 1-11).

**Claims 40 and 42** may be treated like claim 30.

**Claims 41 and 43** may be treated like claim 35.

***Allowable Subject Matter***

9. Claims 23, 34, and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding each of these claims, no prior art could be located that teaches or fairly suggests an image pick-up server with image sensing means and a plurality of shootable areas defined for virtual image sensing means, wherein control means in the server inhibits the distribution of video information when the shooting direction of the image sensing means is changed.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Whipkey, whose telephone number is (703) 305-1819. The examiner can normally be reached Monday through Friday from 8:30 A.M. to 6:00 P.M. eastern standard time, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929. The fax phone number for the organization where this application is assigned is (703) 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTW  
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November 17, 2004

  
TUAN HO  
PRIMARY EXAMINER